

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Board of Trustees of the Teamsters Joint  
Council 32 - Employers Health and  
Welfare Fund,

Case No. 21-cv-1455 (KMM/DJF)

Plaintiff,

**ORDER**

v.

H. Brooks and Company LLC, *d/b/a* H.  
Brooks and Company; and Jason Jaynes,  
*as Manager of H. Brooks and Company  
LLC, in his personal capacity;*

Defendants.

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On December 1, 2022, the Court granted Plaintiff's motion for contempt and found that Plaintiff was entitled to recover a compensatory sanction from Defendant H. Brooks and Company LLC. Specifically, the Court found that H. Brooks' contempt caused Plaintiff to incur expenses. Consequently, the Court Ordered that H. Brooks shall pay the Plaintiff's reasonable attorney's fees and costs incurred in bringing the motion for contempt, and Plaintiff's counsel was instructed to submit a declaration showing the claimed amount of attorney's fees and costs.

On December 9, 2022, Plaintiff's counsel, Jane Poole, filed a declaration and supporting exhibits setting forth the basis for Plaintiff's request for fees and costs. [Doc. 30, 30-1]. Ms. Poole sets forth the services provided on behalf of the Plaintiff in connection with bringing the motion for contempt, including: substantive legal research; research concerning issues of service; communications with the Court; preparation of court filings,

including a memorandum of law; reviewing Court orders and other materials on the docket; corresponding with an attorney allegedly representing Defendant Jason Jaynes; and traveling to and appearing at the hearing on the motion. Ms. Poole states that her hourly rate for such work is \$230.00 per hour, that she has practiced law since 2010 and is familiar with rates charged by similar practitioners in the Duluth, Minnesota area, and near the Twin Cities. She declares that her billing rate is comparable to the rates charged by attorneys with similar experience and expertise. Finally, Ms. Poole states that Plaintiff incurred legal fees of \$3,243.00 and costs in the amount of \$273.80 in connection with bringing the motion for contempt, and she submits a copy of the billing detail to corroborate these assertions. Plaintiff therefore seeks an Order requiring H. Brooks to pay \$3,516.80 in attorney's fees and costs as a compensatory contempt sanction.

Plaintiff's request is granted. The Court finds that Ms. Poole's hourly rate is reasonable, that the tasks completed and hours claimed were reasonable and necessary for litigating the motion for contempt, that the billing records support the request for recovery of fees and costs, and that the amount requested reflects the reasonable attorney's fees and costs caused by H. Brooks' civil contempt. Further, the Court finds that the amount of the sanction is no greater than necessary to compensate the Plaintiff. *See Chicago Truck Drivers v. Bhd. Lab. Leasing*, 207 F.3d 500, 505 (8th Cir. 2000) (discussing the availability of sanctions to compensate the contemnor's opponent).

Accordingly, **IT IS HEREBY ORDERED THAT** Defendant H. Brooks and Company LLC shall pay \$3,516.80 to the Plaintiff to compensate Plaintiff for the attorney's fees and expenses incurred in litigating the motion for contempt.

Date: March 8, 2023

*s/Katherine Menendez*

Katherine Menendez

United States District Judge